

**3348. Adulteration and misbranding of peppermint extract. U. S. v. Victor Gautier & Co. Plea of guilty. Fine, \$15. (F. & D. No. 5099. I. S. No. 14894-d.)**

At the March, 1914, term of the District Court of the United States for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said court an information against Victor Gautier & Co., a corporation, New York, N. Y., alleging the sale by said defendant, on September 10, 1911, under a guaranty to the effect that the article was not adulterated or misbranded within the meaning of the Food and Drugs Act of June 30, 1906, of a quantity of peppermint extract which was so adulterated and misbranded and which said article, on September 10, 1911, was shipped in interstate commerce by the purchaser thereof, from the State of New York into the State of Tennessee, in violation of the Food and Drugs Act. The product was labeled "Peppermint. Superfine Peppermint."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results: Oil, 0.2 per cent; capsicum, present; coal tar color, Naphthol Yellow S. Analysis showed the product to be a very dilute solution of peppermint oil reinforced with capsicum.

It was alleged in the information that the article, at the time of purchase from said defendant and at the time of shipment of the same in interstate commerce, was adulterated in that there was mixed and packed in said article, so as to reduce and lower and injuriously affect its quality and strength, another substance, to wit, a dilute alcoholic solution containing traces of peppermint oil, reinforced with capsicum and artificially colored. Misbranding was alleged for the reason that the label aforesaid, regarding said article and the ingredients and substances contained therein, was false and misleading in that said label would indicate that said article was a true peppermint extract, whereas, in truth and in fact, said article was not a true extract of peppermint, but was a dilute alcoholic solution containing traces of peppermint oil, reinforced with capsicum and artificially colored.

On April 13, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$15.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

**3349. Misbranding of buchu gin. U. S. v. Victor Gautier & Co. Plea of guilty. Fine, \$15. (F. & D. No. 5100. I. S. No. 21247-d.)**

At the March, 1914, term of the District Court of the United States for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said court an information against Victor Gautier & Co., a corporation, New York, N. Y., alleging the sale by said defendant on April 20, 1912, under a guaranty to the effect that the article was not adulterated or misbranded within the meaning of the Food and Drugs Act of June 30, 1906, of a quantity of buchu gin which was misbranded, and which said article on April 20, 1912, was shipped by the purchaser thereof from the State of New York into the State of Maryland in violation of the Food and Drugs Act. The product was labeled: "Quality Guaranteed. Franklin Brand Buchu [&] Gin Compound. Victor Gautier & Co., Inc., New York. Caution. These goods are carefully prepared under the most modern and improved methods. Made from distilled gin and buchu leaves and is highly recommended."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it contained alcohol, no declaration of which appeared upon the label. There was no evidence of the presence of buchu in the product.